

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO

IN RE: ) CASE NO. 09-40013  
THE GENESIS ORGANIZATION ) JUDGE KAY WOODS  
Debtor ) CHAPTER 7

**MOTION TO SELL REAL PROPERTY BY PRIVATE SALE; NOTICE OF TRUSTEE'S  
INTENT TO SELL REAL PROPERTY OTHER THAN IN THE ORDINARY COURSE  
OF BUSINESS**

NOW COMES Andrew W. Suhar, Chapter 7 Trustee in the above-captioned proceeding ("Movant"), and pursuant to §363(b) of the United States Bankruptcy Code and Rules 2002(a)(2) and 6004(a) of the Bankruptcy Rules of Procedure, requests the Court enter an order authorizing the sale of certain real property of this estate by private sale. In furtherance hereof, Movant states as follows:

1. This case commenced by the filing of a voluntary petition under Chapter 11 of the Bankruptcy Code on January 5, 2009 and was converted to a case under Chapter 7 on September 17, 2009. Movant is the duly appointed, qualified and acting Chapter 7 Trustee in this proceeding.
2. The Debtor owns certain parcels of real estate located at 571 Francisca, Youngstown, Ohio having the parcel ID Nos. 53-081-0-259-000, 53-081-0-260-000, 53-081-0-261-000, real estate located at 1805 – 1825 Belmont Avenue, Youngstown, Ohio having the parcel ID No. 53-081-0-262-000, real estate located at 542(A), (B), (C) Catalina Avenue, Youngstown, Ohio having the parcel ID Nos. 53-081-0-263-000, 53-081-0-264-000, 53-081-0-265-0, real estate located at 50 Madison Avenue, Youngstown, Ohio having the parcel ID No. 53-006-0-138-000, real estate located at 743 Lake Drive, Youngstown, Ohio having the parcel ID No. 53-135-0-425-000, and real estate located at 204 LaCiede

Avenue, Youngstown, Ohio having the parcel ID No. 53-053-0-244-000 (the "Real Estate") which Movant believes has value to benefit this estate. The Debtor listed the Real Estate in Schedule "A" of its bankruptcy schedules as having a value of \$140,000.00. Movant believes the value of the Real Estate is greater than \$140,000.00.

3. To the best of Movant's knowledge and belief the only liens encumbering the Real Estate are as follows: the first lienholder, National City Bank in the approximate amount of \$140,000.00 per the Debtor's Schedule "A"; a second lienholder, Net Relations, Inc for real estate tax warrants in the approximate amount of \$15,571.00 per the Debtor's Schedule "A"; and the Mahoning County Treasurer for the current and delinquent real estate taxes, amount unknown.

4. Movant seeks authority to sell the Real Estate by private sale, "AS IS and WHERE IS" with no warranties whatsoever, to Peakes Company for the amount of \$2,500.00, with said purchaser paying all costs of closing including but not limited to transfer tax and recording fees.

5. Peakes Company is a company owned by two principals of the Debtor, to wit: Tyrone Peakes and Joyce L. Peakes.

6. Movant believes the amount of \$2,500.00 to be fair and in the best interest of this estate.

WHEREFORE, Andrew W. Suhar, Chapter 7 Trustee, prays the Court enter an order authorizing the sale of the Real Estate by private sale, "AS IS and WHERE IS" to Peakes Company for the amount of \$2,500.00. Movant further prays the Court grant him such other and further relief as the Court deems appropriate in these circumstances.

Respectfully submitted,

/s/ Andrew W. Suhar

ANDREW W. SUHAR, ESQ. Reg. No. 0058419

Chapter 7 Trustee

29 East Front Street, 2<sup>nd</sup> Floor

P.O. Box 1497

Youngstown, OH 44501-1497

Telephone: (330) 744-9007

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E-mail: [asuhar@suharlaw.com](mailto:asuhar@suharlaw.com)

**CERTIFICATE OF SERVICE**

I HEREBY certify that copy of the **Motion to Sell Real Property by Private Sale; Notice of Trustee's Intent to Sell Personal Property Other than in the Ordinary Course of Business** was sent via regular U.S. mail, postage prepaid, or electronically sent, this 29<sup>th</sup> day of December, 2009, to:

The United States Trustee  
Howard M. Metzenbaum U.S. Courthouse  
201 Superior Avenue  
Room 441  
Cleveland, OH 44114

Irene K. Makridis, Esq.  
183 W. Market Street  
Warren, OH 44481

The Genesis Organization  
2420 Hillman Street  
PO Box 1292  
Youngstown, OH 44501-1292

Tyrone Peakes  
Joyce L. Peakes  
317 LaCleda Ave.  
Youngstown, Ohio 44511

AND TO ALL CREDITORS AND PARTIES IN INTEREST AS SET FORTH ON THE ATTACHED LIST.

/s/ Andrew W. Suhar  
ANDREW W. SUHAR, ESQ. Reg. No. 0058419  
Chapter 7 Trustee

Label Matrix for local noticing  
0647-4  
Case 09-40013-kw  
Northern District of Ohio  
Youngstown  
Mon Dec 28 15:21:40 EST 2009

Net Relations, Inc.  
261 N. York Street, Suite 203  
Elmhurst, IL 60126-2757

American Tax Funding, LLC  
345 Jupiter Lake Blvd., Suite 300  
Jupiter, Florida 33458-7100

(p)INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 21126  
PHILADELPHIA PA 19114-0326

American Tax Funding, LLC  
345 Jupiter Lakes Blvd.  
Suite #300  
Jupiter, FL 33458-7100

National City Bank  
1900 East Ninth Street  
Cleveland, OH 44114-3484

Cintina, LLC  
c/o: Optimum Realty Corporation  
261 N. York Street, Suite 203  
Elmhurst, Illinois 60126-2757

John Zomoida, Jr., Esq.  
55 Public Square, Suite 1800  
Cleveland, OH 44113-1922

Cintina, LLC  
c/o: Optimum Realty Corporation  
261 N. York Street, Suite 203  
Elmhurst, IL 60126-2757

Net Relations, Inc.  
c/o Optimum Realty Corporation  
261 N. York Street, Suite 203  
Elmhurst, IL 60126-2757

Daniel A. Friedlander, Esq.  
National City Center  
1900 East Ninth St., 17th Flr  
Locator 01-2174  
Cleveland, OH 44114-3404

Mahoning County Treasurer  
Mahoning County Courthouse  
120 Market St.  
Youngstown, OH 44503-1700

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Internal Revenue Service  
Insolvency Group 3  
1240 E. 9th St. Room 457  
Cleveland, OH 44199